

## **1.0 INTRODUCTION**

The Planning Area for the Clear Creek Management Area (CCMA) Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS) includes all federal, state, and private lands in southern San Benito County and western Fresno County in Central California shown on Map 1 in Appendix I regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the BLM's jurisdiction (including subsurface minerals). These are referred to as "BLM-administered lands" (or "public lands"), and include the subsurface Federal minerals, or "split estate", underlying State Trust Lands and some privately-owned properties. The BLM-administered land for which the U.S. Department of Interior (DOI) has authority and will make decisions in the CCMA RMP is referred to as the "Decision Area".

Specifically, the CCMA encompasses approximately 75,000 acres, of which 63,000 acres are public lands managed by the BLM's Hollister Field Office (HFO). Management areas are typically larger units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. CCMA public lands have been used extensively for Off-Highway Vehicle (OHV)<sup>1</sup> recreation for many years. A variety of other recreation activities also occur within the CCMA including hunting and rock-hounding. BLM's land use decisions for CCMA public lands were originally addressed in the Hollister RMP (1984). Since 1984, the Hollister RMP was amended several times to address new issues and emerging trends on public lands. Therefore, current management direction for the 63,000 acres of public lands in CCMA is contained in the 1984 Hollister Resource Management Plan and subsequent CCMA amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with these public lands, lack detailed direction and are generally outdated. Social, political, and environmental changes, coupled with significant population growth not anticipated in the 1984 RMP and CCMA amendments have presented some complex management issues that are appropriate to analyze in a "stand alone" RMP for the 63,000 acres of BLM-administered lands in CCMA.

The Hollister RMP was updated in 2007 to establish goals, objectives, and management actions for BLM public lands that address current issues, knowledge, and conditions. However, BLM-administered lands in CCMA were not addressed in the Hollister RMP (2007) because the Environmental Protection Agency (EPA) was preparing an asbestos exposure and human health risk assessment to provide BLM and the general public information on the exposure levels from various types of activities in the CCMA. EPA initiated the study in 2004 in connection with the clean-up of the Atlas Asbestos Mine Superfund Site, also in CCMA, and concerns about the technical deficiencies of a 1992 health risk assessment that BLM used to evaluate CCMA visitor's exposure to airborne asbestos fibers in the area. Therefore, BLM agreed to work with EPA and the public upon completion of the study to incorporate the new health risk information into public land use decisions for the area.

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<sup>1</sup> For many years the term "off-highway vehicle" (OHV) has been used by the public, industry, and the BLM interchangeably with the term "off-road vehicle" (ORV). However, only the term off-road vehicle has a legally established definition in the Presidential Executive Orders and the BLM's related 43 CFR 8340 regulations. In general, throughout this document we will refer to motorized OHV, except when discussing issues related to policy or regulations.

EPA released the [CCMA Asbestos Exposure and Human Health Risk Assessment](#) on May 1, 2008. The result of the study concluded that visiting CCMA more than once per year can put adults and children above EPA's acceptable risk range for exposure to carcinogens and found an increased long-term cancer risk from engaging in many of the typical recreational activities at the CCMA.

In response to new information provided in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008), [BLM issued a temporary closure order simultaneously on May 1, 2008 that closed 30,000-acres within the CCMA's Serpentine ACEC](#) (described below) to all public use and entry. The closure order was published in the [Federal Register \(Volume 73, Number 85\)](#), pursuant to 43 CFR 8364.1, to protect public land users from human health risks associated with exposure to airborne asbestos in the CCMA. Subsequently, BLM prepared the CCMA Draft Resource Management Plan and Environmental Impact Statement (2009) to consider the information in the EPA report and analyze a full range of management options and alternatives for the CCMA through the BLM's land use planning process.

Upon evaluation of the range of management alternatives and their associated impacts described in the CCMA Draft RMP/EIS, BLM selected a combination of management actions and objectives from among the range of alternatives with an emphasis on public health and safety measures to minimize asbestos exposure, reduce airborne asbestos emissions, and promote outreach and education to inform public land users of the human health risks associated with exposure to asbestos in CCMA.

Following public review and comment on the BLM's "preferred alternative" analyzed in the CCMA Draft RMP/EIS (2009), the Hollister Field Office developed this Proposed RMP and Final EIS to incorporate public comments and other agency input. As a result, the final proposed plan (i.e. "Proposed Action") identified in this PRMP/FEIS has been modified from the Draft RMP/EIS's "preferred alternative" and includes elements incorporated from public involvement during the land use planning process.

This PRMP/FEIS details the BLM's "Proposed Action" to address emerging issues in the region and evaluates the environmental consequences of the proposed resource management actions to compare them with current management actions and their potential effects on the human environment. Major changes to the Proposed Action and a summary of public comments and the BLM's response are also presented in this Proposed RMP and Final EIS. The result of this land use planning effort will be a "stand alone" resource management plan that allocates resources in Clear Creek Management Area to generally establish the following:

- (1) Areas for limited, restricted or exclusive use; and special designations;
- (2) Allowable resource uses and related levels of production or use;
- (3) Resource condition goals and objectives;
- (4) Program constraints and general management practices needed to achieve the above items;
- (5) Need for an area to be covered by more detailed and specific activity level plans;
- (6) Support actions, including resource protection and public health and safety measures, access development, realty actions, etc. as necessary to achieve the above;
- (7) General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and

(8) Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

## **1.1 Purpose and Need for the CCMA Resource Management Plan**

The need to develop the CCMA RMP arose from numerous changes in circumstances since the current land use plan decisions were adopted. The existing Resource Management Plan (RMP) for the area was adopted in 1984. There have been several amendments to the 1984 RMP to address public health and safety and resources protection issues in CCMA. However, many other issues that are emerging on public lands were not addressed in those amendments. The following list of specific factors illustrates the need for preparation of an updated management plan:

- The EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) provides significant new information that must be incorporated into a land use plan to evaluate the public health risk associated with BLM land use authorizations.
- The current management plan does not consider new information and/or additional habitat needs for species protected under the federal 1973 Endangered Species Act (ESA), including the California condor and San Benito evening primrose.
- Changes in social and economic conditions in San Benito County, the San Joaquin Valley, and the entire State of California have led to increased demand for use of public lands for recreation and energy production as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.

The purpose of the CCMA RMP is to establish goals, objectives, and management actions for BLM-administered lands in CCMA that address current issues, knowledge, and conditions. The CCMA RMP shall guide the management of the lands and resources administered by the Hollister Field Office in CCMA to achieve the following: 1) minimize asbestos exposure 2) reduce asbestos emissions 3) designate areas in CCMA for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This planning effort is intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

## **1.2 Planning Area Description**

The Planning Area includes a portion of southern San Benito County and a portion of western Fresno County. BLM public lands account for more than 63,000 of the 75,000 acre management area. BLM also administers subsurface minerals on approximately 3,500 acres of "split estate" (areas where BLM administers Federal subsurface minerals but the surface is owned by a non-Federal entity).

The lands managed by the HFO include a variety of settings and landforms, including the southern Diablo Mountain Range, Hernandez Valley, and three major watersheds. The Pajaro watershed drains into the Pacific Ocean; the Arroyo Pasajero and Silver Creek watersheds drain into the San Joaquin Valley. BLM's mission is to sustain the health, diversity, and productivity of these public lands for the use and enjoyment of present and future generations.

The public lands in CCMA are typically steep and mountainous. Some lands within the planning area consist of chaparral and oak woodland vegetation. Other areas (primarily on the eastern slopes of the Diablo Range) consist of annual grassland and half-shrub vegetation. However, the majority of the planning area is dominated by the serpentine soil formation known as the New Idria formation, which is characterized by sparse vegetation, large barren complexes on hillsides and ridgelines, and a unique forest assemblage of foothill, Jeffrey and Coulter pine. Elevations range from 1,100 -- 5,000 feet.

Within the CCMA boundary is the Serpentine Area of Critical Environmental Concern (ACEC) covering approximately 30,000 acres. It was designated as an ACEC upon approval of 1984 Hollister RMP, based on the human health risk associated with the naturally occurring asbestos and the occurrence of special status plant species endemic to area. The boundaries of the ACEC were defined by mapping of asbestos-laden soils derived from the New Idria serpentine formation. This ACEC is sometimes referred to as the Hazardous Asbestos Area (HAA). Human disturbance to the soils and plants in the serpentine ACEC is a special management concern, because throughout the ACEC, soil formation tends to be slow and the topsoil shallow. Plant regeneration is also slow, and accelerated erosion from human activities has negatively impacted soil and vegetative resources over the years. Minimizing soil erosion and minimizing the damage to vegetation is a management priority.

Within the Serpentine ACEC is the San Benito Mountain Research Natural Area (RNA), which is approximately 4,147 acres in size. RNAs are designated for the protection of public lands having natural characteristics that are unusual or that are of scientific or other interest. The San Benito Mountain RNA (SBMRNA) was designated because of the unique forest assemblage and vegetation communities associated with the serpentine soils. Its primary purpose is to provide research and educational opportunities while maintaining and protecting a unique assemblage of vegetation in as natural condition as possible.

The Clear Creek Management Area is shown on Map 7 (Special Designations) in Appendix I along with the area of the Serpentine ACEC and the SBMRNA. The acreages (rounded to the nearest hundred) of these areas are shown in Table 1-1, with a breakdown of BLM, other agencies and private land ownership in CCMA.

**Table 1-1. Land Ownership in the Planning Area (in acres)**

<b>Ownership</b>	<b>Clear Creek Management Area (acres)</b>	<b>Serpentine ACEC</b>	<b>San Benito Mountain Research Natural Area</b>	<b>San Benito Mountain Wilderness Study Area</b>	<b>Percent of CCMA</b>
BLM	63,000	30,000	4,100	1,500	83.3
Private	10,600	3,400*	--	--	14.0
State	2,000	1,500*	--	--	2.6
<b>Total</b>	<b>75,600</b>	<b>34,900</b>	<b>4,100</b>	<b>1,500</b>	<b>100.0</b>

(\*) State and private lands are “in-holdings”. ACEC designation does not apply to non-BLM lands.

### **1.2.1 Management Zones**

This RMP incorporates existing BLM-administered land and recently acquired public lands into five ‘Management Zones’. The five management zones (identified below) were defined by BLM interdisciplinary staff based on similar resources conditions, resource uses, and management issues or trends.

This RMP/EIS identifies desired future conditions for these management zones, depending on the resources and conditions that currently exist and the range of alternatives for multiple uses in CCMA. Accordingly, the range of alternatives in the RMP/EIS is designed to provide an analysis of the reasonable management actions. The five CCMA management zones include:

- The Serpentine Area of Critical Environmental Concern (ACEC).
- The Condon Zone, which includes the White Creek drainage area.
- The Cantua Zone, which includes CCMA public lands in the Cantua drainage, the San Carlos Bolsa, and a disjunct parcel near Idria.
- The Tucker Zone, which includes public lands surrounding Tucker Mountain, Baker, Byles, and Cane Canyons, and the main entrance to Clear Creek; and
- The San Benito River Zone, which comprises scattered parcels that border the Serpentine ACEC and other BLM-administered lands in the San Benito River watershed.

Table 1-2 identifies the total acres of BLM-administered lands for each of the five management zones.

**Table 1-2. CCMA Management Zones Ownership (acres rounded to nearest hundred)**

<b>Ownership</b>	<b>Serpentine ACEC</b>	<b>Tucker</b>	<b>Condon</b>	<b>Cantua</b>	<b>San Benito River</b>
BLM	30,000	5,900	9,700	14,900	3,600
Private	3,400*	3,300*	2,600*	1,300*	--
State	1,500 *	--	500*	--	--
<b>Total</b>	<b>34,900</b>	<b>9,200</b>	<b>12,800</b>	<b>16,200</b>	<b>3,600</b>

(\*) State and private lands are “in-holdings”. CCMA RMP decisions do not apply to non-BLM lands.

### **1.2.2 Planning Approach**

While it is important to recognize issues and consider the impacts BLM decisions may have on the surrounding communities and landscapes, the decisions in this land use plan only apply to BLM public lands. Accordingly, the range of alternatives identified in Chapter 2 was developed by the Hollister Field Office based on a variety of resource issues and management concerns identified during the public scoping period. Based on public comments on the CCMA Draft RMP/EIS (2009)., Section 2.5 of this PRMP/FEIS identifies a combination of management actions, resource allocations, and allowable uses from among the range of alternatives as the “Preferred Alternative” for lands administered by the HFO in the CCMA. Under the “Preferred Alternative”, BLM would improve public health and safety by reducing

the miles of designated routes available for OHV use, and by limiting annual visitor use days within the Serpentine ACEC. The “Preferred Alternative” would limit motorized access in the ACEC to highway-licensed vehicles and emphasize non-motorized recreation opportunities on BLM-administered lands in CCMA.

Chapter 3 describes the existing environment that would be affected by the proposed resource management plan, and Chapter 4 describes the environmental consequences of implementing the “Proposed Action”. Finally, Chapter 5 includes information provided during public involvement and interagency collaboration and consultation on the CCMA land use plan, and Chapter 6 lists references identified in the PRMP/FEIS.

## **1.3 Planning Themes and Issues**

### **1.3.1 Summary of Major Planning Issues**

As a result of BLM current land use planning guidance and knowledge of management issues and concerns in the Planning Area, 18 resource program areas will be addressed in the CCMA RMP/EIS.

Based upon the results of public scoping and issues identified in public comments on the CCMA Draft RMP/EIS (2009), the following issues and concerns represent the key themes and priorities that emerged during the planning process. These key themes and priorities are analyzed in the CCMA PRMP/FEIS, in addition to issues identified by BLM personnel, cooperating agencies, state and local governments, and other publics.

- Human health risks associated with CCMA chrysotile form of asbestos;
- Scientific accuracy and integrity of available information;
- Measures to reduce and minimize risk to public health and safety;
- Suitable areas for motorized and non-motorized recreation uses;
- Desired outcome for areas with high scenic and/or cultural values;
- Protection of special status species;
- Potential land tenure adjustments (acquisition & disposal);
- Wildfire management strategy to protect private and public lands and resources;
- Fluid and solid mineral development;
- Impacts on watershed resources and water quality;
- Impacts on air quality in non-attainment areas.

### **1.3.2 Issues Considered but Not Further Analyzed**

A number of issues raised during public involvement in the land use planning process were determined to be beyond the scope of the CCMA RMP/EIS. These issues are identified below and will not be addressed in this land use plan because they are not directly related to the purpose and need for the CCMA RMP/EIS or are outside the authority of the BLM. A summary of these issues are described below and will not be further analyzed in this report.

### **1.3.2.1 Temporary Closure of Clear Creek Management Area**

Several comments received by the Hollister Field Office requested that BLM reverse (i.e. remove) the Temporary Closure order issued on May 1, 2008 that closed the 30,000-acre Serpentine ACEC to all public use during the development of the RMP/EIS to allow public use during that period. However, BLM determined that the Temporary Closure order was appropriate in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Asbestos). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

While the Hollister Field Office remains aware of these concerns and other issues raised during the land use planning process, the closure order will remain in place during the preparation of the CCMA RMP/EIS. BLM acknowledges that controversy exists regarding the health risks of naturally occurring asbestos; however, EPA and other Federal, State, and local agencies whose missions relate directly to public health have publicly supported the BLM's decision to avoid further elevated risks to visitors while the HFO analyzes a range of management alternatives for the CCMA.

### **1.3.2.2 Establishing New Off-Highway Vehicle Recreation Areas Outside of CCMA**

Many clubs and organizations also requested that BLM consider establishing new areas for off-highway vehicle recreation on BLM public lands in CCMA, and on other public lands in the Hollister Field Office, including BLM-administered lands and California State Parks like Henry Coe.

While the Hollister Field Office will consider establishing new off-highway vehicle recreation areas in CCMA, the scope of the RMP/EIS will be limited to BLM-administered lands in the 75,000 acre CCMA based on the following rationale.

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the CCMA RMP/EIS will analyze a range of alternatives including the 'no action alternative', which would allow OHV use to continue in CCMA at the same levels prior to the closure order issued on May 1, 2008.

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental

impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1.

### **1.3.2.3 Special Designations**

Changes or modifications to Special Designations in CCMA will not be considered in the range of alternatives for the CCMA RMP/EIS for the following reasons.

The purpose and need for this RMP/EIS includes minimizing human health risks from exposure to asbestos and reducing airborne asbestos emissions from BLM management activities. ACEC designations highlight areas where special management attention is needed to protect, and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other systems or processes or to protect human life and safety from natural hazards. The designation of the Serpentine ACEC in the 1984 Hollister RMP (as amended) is based on human health risks associated with exposure to asbestos within the serpentine soils. The boundaries of the ACEC were defined by mapping of asbestos soils derived from the New Idria serpentine formation. This ACEC is also referred to frequently as the Hazardous Asbestos Area (HAA).

Within the Serpentine ACEC is the 4,147-acre San Benito Mountain Research Natural Area (SBMRNA). The Hollister RMP (1984) and the 2006 Record of Decision (ROD) for CCMA RMP Amendment and Route Designation approved expansions of the original SBMRNA from its original boundary when it was first established as an Outstanding Natural Area in 1972. The designation of the SBMRNA is based on unique vegetation and forest types associated with serpentine soil. The current SBMRNA boundary protects sensitive resource values and riparian habitat, including the federally threatened San Benito evening primrose (*Camissonia benitensis*) populations, serpentine barrens, and a unique forest assemblage of Jeffrey pine, Coulter pine, foothill pine, and other mixed-conifers. Upper Clear Creek Canyon was also included in the expanded RNA to control OHV trespass into the RNA and closed mine areas.

Within the SBMRNA is the 1,500-acre San Benito Mountain Wilderness Study Area (WSA), which must be managed according to the BLM's Interim Policy for Lands Under Wilderness Review, as described in Chapter 3, Section 3.10.2.4. The boundaries of these special designation areas are delineated using identifiable landmarks, to the extent possible, and reflect the most current BLM policies for management of the public lands.

### **1.3.2.4 Revised Statute 2477**

Per Congressionally enacted Revised Statute 2477, the right-of-way for construction of highways over public lands, not reserved for public purposes, was granted in 1866. R.S. 2477 was repealed with the passage of FLPMA of 1976. However, highways established between 1866 and 1976 were grandfathered as valid existing rights. In recent years, there has been growing debate and controversy regarding whether or not certain highways were authorized pursuant to R.S. 2477 and, if so, the extent of the rights obtained.

BLM's Proposed Plan and Final EIS proposes limiting vehicle use on designated routes within the Planning Area that would allow for all historical uses, except for OHV recreation, due to the human health risks identified in Chapter 4 and the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment (2008).



However, issues related to R.S. 2477 are outside the scope of BLM's land use decisions for transportation and travel management on CCMA public lands because the U.S. Tenth Circuit Court of Appeals ruled that the validity of R.S. 2477 claims can only be determined through the courts (ref. *Southern Utah Wilderness Alliance v. BLM* (Nos. 04-4071 & 04-4073)). Therefore, the Proposed RMP does not address the extent of these rights on public lands in the CCMA.

## **1.4 Planning Criteria**

Planning criteria help to: (1) streamline the RMP's preparation and focus; (2) establish standards, analytical techniques, and measures to be used in the process; (3) guide development of the RMP; (4) guide and direct issue resolution; and (5) identify factors and data to consider in making decisions.

Principles of ecosystem management as well as a continuing commitment to multiple use and sustained yield will also guide land use decisions in the Planning Area. The commitment to multiple uses would not mean that all land would be open for all uses. Some uses may be excluded on certain lands to protect specific resource values or uses. Any exclusions, however, would be based on laws or regulations or be determined through the planning process and subject to public involvement.

Planning criteria developed during public scoping will help guide the planning effort. The preliminary planning criteria identified in the Notice of Intent published in the Federal Register are identified below:

- The RMP will be developed in compliance with FLPMA, all other applicable laws, regulations, executive orders, and BLM supplemental program guidance.
- The planning process will include an EIS that will comply with NEPA standards.
- Economic and social baselines and consequences will be developed in coordination with local and county governments.
- Initiate government to government consultation, including Tribal interests.
- Consider the extent to which the revised plan reduces airborne asbestos emissions, minimizes asbestos exposure, and addresses public health impact of the Hazardous Asbestos Area.
- Consider the extent to which the revised plan reduces accelerated erosion and offsite transport of asbestos fibers on vehicles and clothes due to off-highway vehicle use.
- All new data collected will have information about the data (metadata) stored in a data base. All metadata will meet the Federal Geographic Data Committee (FGDC) standards.
- The RMP/EIS will incorporate by reference the *Standards for Rangeland Health and Guidelines for Livestock Grazing Management* (2000).
- The RMP will result in determinations as required by special program and resource specific guidance detailed in Appendix C of the BLM's Planning Handbook (H-1601-1).
- Decisions in the RMP will strive to be compatible with the existing plans and policies of adjacent local, State, Tribal, and Federal agencies as long as the decisions are in conformance with legal mandates on management of public lands.
- Resource allocations must be reasonable and achievable within available technological and budgetary constraints.

The following ‘planning criteria’ were presented in the CCMA Draft RMP Amendment (2004). These criteria were based on input from BLM specialists, other agencies, and the public and will also be considered during this planning process:

- The CCMA RMP must provide for the needs of the public land user, while protecting sensitive species and habitat, protecting natural and cultural resources, and protecting the unique ecosystem within the SBMRNA.
- BLM shall comply with the 2007 State Protocol Agreement between the California BLM and the California State Historic Preservation Officer (SHPO).
- Best Management Practices (BMP) related to watershed improvement projects would continue to be implemented to reduce erosion and off-site sedimentation transport.
- BLM would obtain California Department of Fish and Game permits and Clean Water Act Section 404 permits from the U.S. Army Corps of Engineers, for stream alteration and BMP watershed management practices as necessary and appropriate.
- All land use decisions for lands acquired within the CCMA boundaries by BLM would be incorporated into this RMP/EIS.

The CCMA is presently managed under the 1984 Hollister RMP (as amended). Information and decisions from the existing Hollister RMP, and associated amendment, will be reviewed and incorporated in this RMP/EIS where appropriate. Management will continue under the CCMA Temporary Closure Order, issued May 1, 2008, until the CCMA RMP/EIS is approved.

## **1.5 Planning Process**

In general, the BLM follows an eight-step planning process as outlined below:

**Step 1 – Planning Issues Identified.** Issues and concerns are identified through a scoping process that includes the public, Indian tribes, other Federal agencies, and state and local governments.

**Step 2 – Planning Criteria Development.** Planning criteria are created to ensure decisions are made to address the issues pertinent to the planning effort. Planning criteria are derived from a variety of sources, including applicable laws and regulations, existing management plans, coordination with other agencies’ programs, and the results of public and agency scoping. The planning criteria may be updated or changed as planning proceeds.

**Step 3 – Data and Information Collection.** Data and information for the resources in the planning area are collected based on the planning criteria.

**Step 4 – Alternatives Formulation.** A range of reasonable management alternatives that address issues identified during scoping is developed.

**Step 5 – Alternatives Assessment.** The estimated environmental effects of each alternative are estimated and analyzed.

**Step 6 – Preferred Alternative Selection.** The alternative that best resolves planning issues is identified as the preferred alternative.

**Step 7 – Resource Management Plan Selection.** First, a Draft RMP/EIS is issued and made available to the public for a review period of 90 calendar days. During this time, the BLM holds another round of public meetings to gather comments and accepts comments in writing. After comments on the draft document are received, the draft is modified as necessary, and the Proposed RMP/Final EIS is published and made available for public review for 30 calendar days. A Record of Decision (ROD) is signed to approve the Final RMP/EIS.

**Step 8 – Implementation and Monitoring.** Management measures outlined in the approved plan are implemented, and future monitoring is conducted to test their effectiveness. Changes are made as necessary to achieve desired results.

### **1.5.1 Types of Land Use Plan Decisions**

Land use plans and planning decisions are the basis for every on-the-ground action the BLM undertakes. Land use plans include both resource management plans (RMPs) and management framework plans (MFPs). Land use plans ensure that the public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield.

Decisions in land use plans guide future land management actions and subsequent site-specific implementation decisions. These land use plan decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses).

The BLM's Land Use Planning Handbook (H-1601-1) provides supplemental guidance to the agency's employees for implementing the BLM land use planning requirements established by Sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711-1712) and the regulations in 43 Code of Federal Regulations (CFR) 1600. The Land Use Planning Handbook includes guidance for preparing, revising, amending, and maintaining land use plans. This Handbook also provides guidance for developing subsequent implementation (activity-level and project-specific) plans and decisions.

Implementation decisions generally constitute BLM's final approval allowing on-the-ground actions to proceed. These types of decisions require appropriate site-specific planning and NEPA analysis. Unlike land use plan decisions, implementation decisions are not subject to protest under the planning regulations. Instead, implementation decisions are subject to various administrative remedies, particularly appeals to the Office of Hearing and Appeals (Interior Board of Land Appeals). Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by the specific resource program regulations after the BLM resolves the protests to land use plan decisions and makes a decision to adopt or amend the RMP.

As described in the Handbook on page 12, land use plan decisions for public lands fall into two categories: desired outcomes (goals and objectives) and allowable (including restricted or prohibited) uses and actions anticipated to achieve desired outcomes:

#### ***1. Desired Outcomes***

Land use plans must identify desired outcomes expressed in terms of specific goals and objectives. Goals and objectives direct the BLM's actions in most effectively meeting legal mandates; numerous regulatory

responsibilities; national policy, including the DOI Strategic Plan goals; State Director guidance (see 43 CFR 1610.0-4(b)); and other resource or social needs. Desired outcomes should be identified for and pertain to resources (such as natural, biological, and cultural), resource uses, (such as energy and livestock grazing), and other factors (such as social and economic conditions).

## **2. Allowable Uses & Management Actions**

After establishing desired outcomes, the BLM identifies allowable uses (land use allocations) and management actions that are anticipated to achieve the goals and objectives.

- a) Allowable uses. Land use plans must identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands and mineral estate. These allocations identify surface lands and/or subsurface mineral interests where uses are allowed, including any restrictions that may be needed to meet goals and objectives. Land use plans also identify lands where specific uses are excluded to protect resource values. Certain lands may be open or closed to specific uses based on legislative, regulatory, or policy requirements or criteria to protect sensitive resource values.

The land use plan must set the stage for identifying site-specific resource use levels. Site-specific use levels are normally identified during subsequent implementation planning or the permit authorization process. At the land use plan level, it is important to identify reasonable development scenarios for allowable uses such as mineral leasing, locatable mineral development, recreation, utility corridors, and livestock grazing to enable the orderly implementation of future actions. The BLM may also establish criteria in the land use plan to guide the identification of site-specific use levels for activities during plan implementation.

- b) Management actions. Land use plans must identify the actions anticipated to achieve desired outcomes, including actions to maintain, restore, or improve land health. These actions include proactive measures (e.g., measures that will be taken to enhance watershed function and condition), as well as measures or criteria that will be applied to guide day-to-day activities occurring on public land. Land use plans also establish administrative designations such as ACECs, recommend proposed withdrawals, land tenure zones, and recommend or make findings of suitability for congressional designations (such as components of the National Wild and Scenic River System).

Appendix C of the BLM's Land Use Planning Handbook provides additional program-specific guidance for developing land use plan decisions.

### **1.5.1.1 CCMA Land Use Plan Decisions and Implementation Decisions**

Pursuant to BLM's planning policy, the CCMA PRMP/FEIS includes both land use plan-level and implementation-level decisions, and clearly distinguishes between the two types of decisions. Accordingly, Chapter 2 displays a listing of proposed land use plan decisions and implementation decisions under each resource section that are program-specific and have been considered in conjunction with the guidance presented for other resources to maintain an integrated, interdisciplinary approach to planning for the CCMA PRMP/FEIS.

Proposed land use plan decisions can be protested to the BLM Director but are not reviewable by the Office of Hearings and Appeals.

Implementation decisions generally constitute the BLM’s final approval allowing on-the-ground actions to proceed. Implementation decisions included in the CCMA PRMP/FEIS are still subject to site-specific environmental review, the public appeals process, and other administrative review as prescribed by specific resource program regulations after the BLM resolves the protests to land use plan decisions.

**Land use plan decisions** and **implementation decisions** are identified in Chapter 2 of the CCMA PRMP/FEIS following the alphanumeric identifier for each “management action” under the range of alternatives for the specific resources programs. For example, **land use plan decisions** and **implementation decisions** for recreation resources “Management Actions” are identified in the CCMA PRMP/FEIS as follows:

- **REC-USE-A7. Land Use Plan Decision:** Manage CCMA public lands as a Special Recreation Management Area (SRMA).
- **REC-USE-B1. Land Use Plan Decision:** Prohibit camping and staging for recreation in the Serpentine ACEC, except at Jade Mill Campground. Allow camping and staging for recreation on public lands outside the ACEC.
- ❖ **REC-USE-B2. Implementation Decision:** Limit visitor use in the Serpentine ACEC to one half-hour before sunrise to one half-hour after sunset (i.e. day use only), except at Jade Mill Campground.
- ❖ **REC-USE-B4. Implementation Decision:** Improve access and enhance facilities (i.e. trails, designated camp sites, staging areas) to support non-motorized recreation opportunities at destinations with unique biological, natural and geologic features within CCMA.

Refer to Chapter 2 for a complete listing of all the management actions being considered under the range of alternatives (Section 2.4) and the “Proposed Action” (Section 2.5) for the CCMA PRMP/FEIS.

## **1.5.2 Relationship to BLM Policies, Plans, and Programs**

The major planning and decision documents that will be used to guide resources management in the CCMA RMP/EIS are described below.

### **1.5.2.1 Hollister RMP and CCMA RMP Amendments**

This RMP focuses on broad resource objectives and direction while providing some activity-level guidance and site-specific decisions, and will build upon a 30-year history of natural resource management in Central California. Table 1-3 highlights some of the major plans and policies that have led to the present management of the area.

**Table 1-3 Existing Hollister Field Office Land Use Plans**

<b>Document Title</b>	<b>Year</b>
Fresno/San Benito Management Framework Plan	1978
Hollister Resource Management Plan	1984
Clear Creek Management Plan and Decision Record	1986
Hollister Oil and Gas RMP Amendment	1993

<b>Document Title</b>	<b>Year</b>
Clear Creek Management Area RMP Amendment and Final EIS/Record of Decision	1995/1999
Hollister Field Office Fire Management Plan	2004
Clear Creek Management Area RMP Amendment and Route Designation/Record of Decision	2006
Record of Decision for the Southern Diablo Mountain Range and Central Coast of California Resource Management Plan (a.k.a. Hollister RMP)	2007

The preceding plans are incorporated in this RMP/EIS by reference but are not included herein. Additional major plans, policies and programs that apply to BLM land use planning include:

#### **1.5.2.2 CFR Title 43, Section 1610, and BLM's NEPA Handbook (H-1790-1) & Land Use Planning Handbook (H-1601-1)**

43 CFR 1610 states that guidance for preparation and amendment of resource management plans may be provided by the Director and State Director, as needed, to help the District and Area Manager and staff prepare a specific plan.

The NEPA Handbook and the Land Use Planning Handbook provide guidance to BLM on the requirements of the Federal Land Policy and Management Act (FLPMA), the BLM's Planning Regulations (43 CFR 1600), and the National Environmental Policy Act (NEPA). Nothing in the Handbooks supersedes the legal and regulatory mandates in the CFR. The Manual and Handbook provide guidance for preparing new Resource Management Plans (RMPs), plan revisions, plan amendments, other equivalent plans (e.g., plans adopted from other agencies), and subsequent implementation-level plans. Procedures and requirements are set forth to ensure that the BLM's plans meet regulatory and statutory requirements. To the extent possible, this guidance integrates land use planning requirements with requirements under NEPA.

#### **1.5.2.3 Rangeland Health Standards and Guidelines**

Statewide standards and guidelines were approved by the Secretary of the Interior in 2000 for managing grazing on BLM public lands in California. BLM is required by statewide policy to use these standards and guidelines for evaluating rangeland health.

#### **1.5.2.4 Vegetation Treatments Using Herbicides Final Programmatic EIS Record of Decision (2007)**

The CCMA RMP is subject to the BLM's Vegetation Treatments Using Herbicides Final Programmatic EIS Record of Decision, approved in September 2007. The Programmatic EIS Record of Decision (ROD) has two primary objectives: 1) Determine which herbicide active ingredients are available for use on public lands to improve the agency's ability to control hazardous fuels and unwanted vegetation, and 2) to develop a state-of-the-science human health and ecological risk assessment (ERA) methodology. This methodology would serve as the initial standard for assessing human health and ecological risk for herbicides that may become available for use in the future.

#### **1.5.2.5 National OHV Strategy**

The BLM released a National Management Strategy for Motorized Off-highway Vehicle Use on Public Lands on January 19, 2001. This strategy is aimed at recognizing the interests of motorized OHV users while protecting environmentally sensitive areas on the public lands. It also seeks to focus the Agency's

scarce funding and staffing resources on motorized OHV management on the ground at the local field office level.

#### **1.5.2.6 Native American Consultation per Executive Orders 12866, 12898, 13084, 13007 and 13175 et seq.**

Executive Order 12866 “Regulatory Planning and Review” intends to enhance planning and coordination with respect to both new and existing regulations and to make the process more accessible and open to the public. Executive Order 13084 “Consultation and Coordination with Tribal Governments” of 1998 established requirements for meaningful consultation and collaboration with Indian tribal governments with respect to the development of regulatory practices on Federal matters that significantly or uniquely affect their communities. Executive Order 13007 “Indian Sacred Sites” refined consultation requirements with tribal groups to include the identification of sacred sites or sacred areas that may be affected by proposed federal actions. Executive Order 13175 “Consultation and Coordination with Tribal Governments” of 2000 further clarified the consultation relationship between the Federal government and tribal communities.

#### **1.5.2.7 BLM Wilderness Recommendations**

Wilderness studies were completed for all BLM lands as a requirement under Section 603 of the FLPMA, and recommendations have been formally submitted to Congress by the President. Therefore, these decisions cannot be changed except by Congressional action. In the Planning Area, approximately 1,500 acres are being managed in the San Benito Mountain Wilderness Study Areas until Congress makes the final wilderness determination through legislative action.

#### **1.5.2.8 Wind Energy Development Policy**

The BLM is responsible for the development of wind energy resources on BLM-administered lands. Currently about 330 megawatts (MW) of wind capacity is installed nationwide under right-of-way (ROW) grants administered by the BLM in accordance with the requirements of the Federal Land Policy and Management Act of 1976.

A Programmatic Environmental Impact Statement (PEIS) relating to the authorization of wind energy projects was completed in June 2005. This EIS provides an analysis of the development of wind energy projects in the West. In conjunction with the publication of the PEIS, the BLM amended 52 land use plans to allow for the use of applicable lands for wind energy development. BLM offices are able to use the PEIS as an aid in analyzing impacts for specific applications for the use of public lands for wind energy use.

The Department of Energy’s (DOE) National Renewable Energy Laboratory (NREL) assisted the BLM in the preparation of the PEIS and provided an inventory assessment of wind energy resources on public lands in the Western United States. The PEIS Record of Decision (ROD), approved in January 2006, addressed the amendment of individual land use plans and established both policies and best management practices (BMPs) regarding the development of wind energy resources on BLM-administered lands.

## **1.6 Collaboration with Other Agencies and Groups**

### **1.6.1 Cooperating Agencies**

A cooperating agency assists the lead federal agency in developing an EA or EIS. The CEQ regulations implementing NEPA define a cooperating agency as any agency that has jurisdiction by law or special expertise for proposals covered by NEPA (40 CFR 1501.6). Any federal, state, or local government jurisdiction or tribal government with such qualifications may become a cooperating agency by agreement with the lead agency. BLM and the U.S. Environmental Protection Agency (EPA) are working as cooperating agencies under a letter of agreement developed for this land use planning process.

### **1.6.2 Other Federal, State and Local Governments**

Other federal, state, and local government agencies have been involved in the development of the RMP/EIS, including the U.S. Fish and Wildlife Service (USFWS), California's Departments of Toxic Substances Control (DTSC) and Parks and Recreation Off-Highway Motor Vehicle Recreation Division (OHMVR), and Fresno County and San Benito County, the two counties within which the CCMA lies, have not established cooperating agency status, but maintain interest and involvement in the planning process.

The OHMVR Division's comments on the 2009 CCMA Draft RMP/EIS voiced concerns regarding the uncertainty related to EPA's CCMA Asbestos Exposure and Human health Risks Assessment (2008) and the adverse impacts of BLM's land use decisions on OHV recreation opportunities. BLM has previously acknowledged these concerns and the controversy related to naturally occurring asbestos exposure in CCMA. As a result, the CCMA PRMP/FEIS includes a discussion of criteria that would prompt BLM to reevaluate CCMA land use decisions under the objectives for Transportation and Travel Management that are consistent with previous land use planning efforts and agreements with other agencies to cooperate with on-going studies and/or consider significant new information and potential management responses at the CCMA in light of any new findings.

### **1.6.3 Tribal Relationships**

The Tachi Yokuts Tribe of Santa Rosa Rancheria is the only federally recognized Native American tribe in the Planning Area. There are several other non-federally recognized tribes and groups within the Planning Area as well. Consultation efforts between BLM officials and tribal representatives are conducted for various planning activities in the Hollister Field Office area including the CCMA. The BLM extends the opportunity to provide input for the CCMA RMP/EIS to all affected regional California Indian tribal entities (including individuals) throughout the planning process.

### **1.6.4 Potential Partnerships**

BLM will also pursue partnerships with private landowners, the California Department of Fish & Game (CDFG), and other organizations to promote the successful acquisition and restoration of public lands. Similar partnerships with universities and other academic institutions could also be instrumental in establishing a science review team to garner independent reviews for scientific proposals and answering scientific questions in the CCMA. Final decisions regarding management actions on each of the partner's lands still rest with the respective agency/organization.



## **1.7 Relationship to Other Policies, Plans, and Programs**

### **1.7.1 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is also known as the Superfund Act. CCMA is a 48-square-mile area that is part of the Atlas Asbestos Mine Superfund Site. Both the CCMA and the mine site are located on a formation of naturally occurring serpentine rock and soil which contain high concentrations of naturally occurring asbestos (NOA). There are over 86 abandoned mines (mercury, chromium and asbestos) in the CCMA and surrounding areas of the New Idria/Coalinga Region.

The Atlas Asbestos Mine Site has been remediated to ensure that asbestos associated with its mining activities is not released to surrounding areas, including the CCMA. However, the Record of Decision (ROD) for the Atlas Asbestos Mine Superfund Site requires that U.S. EPA also assess the risk of NOA to recreational users of the CCMA. In the 1991 Record of Decision selecting a cleanup remedy for the Atlas Asbestos Mine Superfund site, EPA stated that it would evaluate whether the BLM's plans for managing the CCMA were adequate to protect human health and the environment from asbestos exposure.

The EPA Superfund program defines the acceptable risk range for exposure to a carcinogen, like asbestos, as 1 in 10,000 ( $10^{-4}$ ) to 1 in 1,000,000 ( $10^{-6}$ ) excess lifetime cancer risk<sup>2</sup>. Exposures which are calculated to cause more than 1 in 10,000 excess cancers are considered to be of concern and may require action to reduce the exposure and resulting risk. Depending on the study's findings, the Site may be considered for deletion from the U.S. EPA National Priorities List (NPL). The NPL, or Superfund, is a list of the most hazardous waste sites in the nation. When a site is deleted from the NPL, it means that the Record of Decision has been fulfilled and the cleanup has been implemented and is functioning as designed.

The goal of the EPA's risk assessment for CCMA was to use current asbestos sampling and analytical techniques to update a 1992 BLM Human Health Risk Assessment and provide more robust information to BLM on the asbestos exposures from typical CCMA recreational activities and the potential cancer risks associated with those exposures. In addition, as families are frequent visitors to CCMA, the assessment estimated exposures and potential risks to children as well as adults. Thus, in 2004, as part of the process of evaluating the Atlas Mine cleanup for possible delisting of the site from the federal Superfund list, EPA Region 9 initiated an asbestos exposure and human health risk assessment for the CCMA to measure the amount of NOA fibers in the personal air space by conducting typical recreational activities in the CCMA using up-to-date test equipment and methodology. With the assistance of EPA as a cooperating agency, BLM has incorporated the results of the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) into this RMP/EIS for the purpose of developing management strategies for the CCMA that will minimize human health risk to users and maintenance workers.

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<sup>2</sup> 40 CFR Part 300, National Oil and Hazardous Substances Pollution Contingency Plan, section 430(e)(2)(i)(A)(2), "For known or suspected carcinogens, acceptable exposure levels are generally concentration levels that represent an excess upper bound lifetime cancer risk to an individual of between  $10^{-4}$  and  $10^{-6}$  using information on the relationship between dose and response..."

## **1.7.2 State Land Use Plans**

Similar to many public lands, a complex land ownership pattern within the Planning Area continues to influence BLM coordination with agencies administering California State Lands, which are interspersed throughout the CCMA. While several agreements exist among State agencies and BLM, the CCMA RMP offers a unique opportunity to promote interagency cooperation to enhance natural resource management. Essential to the CCMA RMP is a strong partnership with California State Lands Commission and Department of Toxic Substances Control due to overlapping jurisdictions and environmental laws and regulations.

## **1.7.3 County Plans**

The Planning Area spans two counties, each with their own General Plan. San Benito County is in the process of updating their General Plan to address transportation, economic development, population growth, and recreation demand and opportunities in the County. The Fresno County General Plan was updated in October 2000. In addition to the issues above, County General Plans define open space and conservation policy in the Hollister Planning Area.

## **1.8 Overall Vision**

The overall vision for management of BLM-administered lands in CCMA, derived from public scoping and comments on the CCMA Draft RMP/EIS is “to improve multiple use values across the landscape while protecting human health and the environment; and pursuing recreation opportunities through partnerships and collaboration for the enjoyment and use of increasingly diverse populations of current and future generations.” The BLM is responsible for the sustainable management of public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of “multiple use”, which direct BLM to provide for a combination of uses that takes into accounts the long-term needs of future generations for renewable and nonrenewable resources. These resources include: public health and safety, recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific, and cultural values.

## **1.9 Summary of Public Comments on the Draft RMP/EIS**

Based upon the results of public scoping and issues identified in public comments on the CCMA Draft RMP/EIS (2009), the following issues and concerns represent the key themes and priorities that emerged during the planning process. These key themes and priorities are analyzed in the CCMA PRMP/FEIS, in addition to issues identified by BLM personnel, cooperating agencies, state and local governments, and other publics.

**Definition of Asbestos and Chrysotile Toxicity** -- Management of human health and public safety within the CCMA has been the largest source of concern and controversy during development of the plan, as reflected in public comments on the Draft RMP/EIS. Many commenters are concerned about the scientific integrity and accuracy the CCMA Asbestos Exposure and Human Health Risk Assessment released by EPA in 2008. Confusion also remains regarding the differing types of mineral fibers that are included under the definition of the term asbestos. Accordingly, the Proposed RMP/FEIS includes the definition of asbestos provided by the U.S. Department of Health and Human Services’ Agency for Toxic Substances and Disease Registry (Section 4.2.3.1), and the document explains that the two general types of asbestos are amphibole and chrysotile. Although exposure to both types of asbestos increases the

likelihood of developing asbestos-related diseases, amphibole fibers tend to stay in the lungs longer. They also are thought to increase the likelihood of illness, especially mesothelioma, to a greater extent than chrysotile asbestos. While there is some debate within the scientific community regarding the varying potencies of the different types of asbestos relative to certain cancers, there is no debate that all types of asbestos cause cancer and debilitating and fatal non-cancer disease.

**Independent Study of Naturally Occurring Asbestos and Human Health Risk in CCMA** - Many commenters questioned whether it's appropriate for BLM to rely solely on the EPA's CCMA Asbestos Exposure and Human Health Risk Assessment for land use decision-making and called for other independent studies to be completed prior to making a final decision regarding off-highway vehicle use on CCMA public lands.

During the public comment period on the Draft CCMA RMP/EIS, the California State Park Off-Highway Motor Vehicle Recreation Division (OHMVRD) requested that BLM wait until an independent asbestos exposure study in the CCMA could be prepared before issuing the CCMA Proposed RMP and Final EIS. The BLM agreed to the OHMVRD's request, and on March 22, 2011 the OHMVRD released the report, titled "Preliminary Analysis of the Asbestos Exposures Associated with Motorcycle Riding and Hiking in the Clear Creek Management Area (CCMA) San Benito County, California." The report was completed by scientists from the International Environmental Research Foundation (IERF), and is linked on the OHMVRD's website: [http://ohv.parks.ca.gov/pages/1140/files/ierf\\_ccma\\_final\\_3\\_8\\_11-web.pdf](http://ohv.parks.ca.gov/pages/1140/files/ierf_ccma_final_3_8_11-web.pdf)

Upon evaluation of the IERF study and comments prepared by the US Environmental Protection Agency and the California Department of Toxic Substances Control, BLM determined that the results of the report are consistent with the values reported in the CCMA Asbestos Exposure and Human Health Risk Assessment (2008) under similar meteorological conditions and with similar riding positions. While the IERF study had a limited number of samples, the IERF report appears to confirm the data from EPA's wet season sampling event. The EPA risk assessment included multiple activity-based scenarios under various meteorological conditions. These data sets and the CCMA Asbestos Exposure and Human Health Risk Assessment (EPA 2008) provide BLM the best available information to evaluate overall risk to human health and the environment from CCMA land use decisions in this PRMP/FEIS.

BLM acknowledges that controversy exists regarding the human health risks associated with exposure to naturally occurring asbestos. The EPA risk assessment and the IERF report both highlighted the need for further research to determine effective strategies to reduce risk to CCMA visitors. Therefore, the preferred alternative identifies "adaptive management criteria" that would allow the BLM to make changes to designated route systems and addresses how routes may be modified within the transportation network in the future. The adaptive management criteria were developed in response to the issues and concerns identified in the IERF study and public comments on the CCMA Draft RMP/EIS (2009). If one of these criteria are met, then BLM would reassess CCMA RMP land use decisions associated with human health risks from exposure to airborne asbestos fibers, and potentially apply adaptive management should significant new information become available that warrants modifications to the limits on annual visitor days or the total miles of routes available for motorized use in the ACEC. At a minimum, the BLM will re-examine the body of peer-reviewed data available on this subject within three years following issuance of a record of decision for the CCMA RMP.

**Transportation and Travel Management & Recreation Opportunities** – Numerous individuals and organizations commented that additional acreage should be included in areas recommended for management of motorized and non-motorized recreation activities. Some commenters felt that motorized access into the Serpentine ACEC should be increased to support rockhounding and that vehicle access to

zones outside the ACEC should be improved to enhance OHV recreation and other non-motorized recreation activities. This prompted BLM to revisit the route network considered under the range of alternatives for the CCMA Draft RMP/EIS in order to address concerns about public access and recreational opportunities in this PRMP/FEIS.

As a result, approximately 21 additional miles of vehicle routes in the Serpentine ACEC have been added to the area designations for limited vehicle use under the Proposed Action that include major routes R1, R10, R13, R14, R15, and other minor routes including T103, T104, T151, T153, and T158. Similarly, an additional 2.75 miles of existing routes are proposed to be designated open in the Condon Zone and an additional 2.75 miles of existing routes are proposed to be designated open in the Cantua Zone near Wright Mountain. These additional routes provide outstanding opportunities for recreational access at a level that merits their inclusion in the Proposed Action and meets the area and route designation criteria outlined in Section 2.3.3 and Appendix II of this PRMP/FEIS.

The Proposed RMP clarifies that only highway-licensed vehicles would be permitted on a total of approximately 32 miles of designated routes within the Serpentine ACEC. While the PRMP/FEIS only considers use by highway-licensed vehicles as appropriate within the Serpentine ACEC, BLM is proposing to allow all-terrain and universal terrain vehicles (ATV/UTV) in the Condon Zone in order to support limited OHV recreation opportunities and other non-motorized recreation activities like hunting. Similarly, the Cantua Zone would be designated a “limited” vehicle use area that would allow access to highway-licensed vehicles and ATV/UTV’s on designated routes. However, BLM would not designate routes in the Cantua Zone until a Transportation and Travel Management Plan is approved for the area.

The remaining inventoried route network would be designated “Closed” to vehicle use in the CCMA based on the feasibility of managing risk to human health and the environment from airborne asbestos emissions generated by management and visitor use activities.

**Vehicle Use Area and Route Designation Criteria** — Many commenters felt that the use of all-terrain vehicles, dirt bikes, and other non-street-licensed vehicles (green sticker vehicles) was appropriate given the types of recreation experiences and benefits called for under the RMP planning criteria. At the same time, concerns were also expressed regarding the need for protection of public land resources and the high potential for illegal off-road use of vehicles in the Serpentine ACEC and San Benito Mountain RNA/WSA that would adversely affect the values for which these special designations were established.

Pursuant to 43 CFR 8342.1, BLM developed a standardized and stepwise process specifically to address identified minimization criteria; whereby routes were evaluated relative to a list of criteria such as, resource sensitivity, soil loss, manageability, intended route use, and recreation opportunity. The criteria were combined into four tiers, roughly corresponding to the criteria’s likelihood of requiring route closure.

A complete listing of route designations considered under the range of alternatives for the CCMA Proposed RMP and Final EIS has been inserted into Section D of Appendix II. The route designation tables listed in Section D of Appendix II also provide the results of evaluations prepared for each individual route to determine if they satisfy the area and route designation criteria described in Section 2.3.3 of this PRMP/FEIS. More details of the CCMA area and route designation methodology are located in Appendix II.

The designated routes under the range of alternatives provide varying degrees of access to the public lands within select management zones, and the Limited Use area designation to promote resources

protection and minimize conflicts among existing and potential uses of the management area. Routes designated open, under all alternatives, satisfy the resource based route designation criteria. Designated routes under each alternative were selected from routes previously designated as open in the 2006 CCMA RMP amendment.

**Land Tenure Adjustments and Land Use Authorizations** – BLM received numerous comments from a consortium of private landowners and other interested parties concerned about the potential for disposal of public lands identified in the CCMA Draft RMP/EIS. Particularly, the public lands that BLM proposed to make available for disposal in the Tucker management zone were identified as valuable wildlife habitat and an important component of a successful partnership that's being developed between private landowners and the California Department of Fish and Game (CDFG) in the Hernandez Valley. The HFO proposed disposal of the public lands surrounding Baker, Byles, and Cane Canyons in the CCMA Draft RMP/EIS citing the lack of administrative access and the potential to develop opportunities for public use and enjoyment in the Tucker management zone. However, due to the issues and concerns associated with disposal of these lands, they would be retained in public ownership under the Proposed Action and BLM would pursue partnerships with local private landowners, non-profit organizations, and CDFG to develop public easements to BLM public lands in the Tucker management zone.

**Social and Economic Impacts of CCMA Land Use Decisions** --Many of the public comments on the CCMA Draft RMP/EIS raised concerns and identified issues regarding the impacts of CCMA land use decisions on social and economic values to communities in the planning area. These values and the social and economic contributions associated with visitor use activities in CCMA were identified through public scoping and presented in the CCMA Draft RMP/EIS in Section 4.15. The HFO conducted additional outreach following the release of the CCMA Draft RMP/EIS through a social and economic workshop to provide information and gather feedback from private landowners, businesses, elected officials, and other interested parties within the communities most directly affected by BLM's land use decisions for CCMA. The information gathered during the social and economic workshop has been incorporated into the affected environment and environmental consequences chapters of the PRMP/FEIS. A summary report of the information discussed and the public input that was gathered during the workshop is also included in Appendix XI (PRMP/FEIS Volume II).

**Revised Statute 2477** - BLM also received several comments regarding Revised Statute 2477. R.S. 2477 was repealed with the passage of FLPMA of 1976. However, highways established between 1866 and 1976 were grandfathered as valid existing rights. In recent years, there has been growing debate and controversy regarding whether or not certain highways were authorized pursuant to R.S. 2477 and, if so, the extent of the rights obtained. However, the issues related to R.S. 2477 are outside the scope of BLM's land use decisions for transportation and travel management on CCMA public lands because the U.S. Tenth Circuit Court of Appeals ruled that the validity of R.S. 2477 claims can only be determined through the courts (ref. Southern Utah Wilderness Alliance v. BLM (Nos. 04-4071 & 04-4073)).

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